

## **PHILIPPINES**

<b>Size:</b> 298,000 square kilometers
<b>Population:</b> 73 millions (1997)
<b>GNP per capita:</b> 1,222 \$ (1997)

### **I- THE GENERAL STRUCTURE OF PUBLIC ADMINISTRATION**

#### **1.1- THE STATE AND ITS CONSTITUTIONAL BASIS**

##### **1.1.1- The Legal basis**

The Philippine Constitution of 1986 defined the broad parameters of governance in the country as they apply to the different departments of government (Legislative, Executive and Judicial), the Constitutional Commissions and other bodies, and local government, including provisions for autonomous regions in Muslim Mindanao and the Cordilleras. Subsequent laws, however, delineated the finer details as regards specific powers, functions and structure of the various levels and branches of government. The Administrative Code of 1987 (also known as Executive Order 292) is one such law, as is the Local Government Code of 1991 (also known as Republic Act 7160).

##### **1.1.2- Central and local governments**

The national government promulgates general laws, defines policies and enforces rules and regulations. In 1991, the national government devolved some of its powers to local government units (provinces, cities, municipalities), particularly the direct delivery of services in the areas of social welfare and development, health, agriculture and environment and natural resources. Local government units have the power to create their own sources of revenue and to levy taxes, fees and charges which may accrue exclusively for their use and disposition and which may be retained by them. They also have a share in national taxes which is automatically and directly released to them. Local governments, however, continue to be under the general supervision of the President.

##### **1.1.3- Political, fiscal and administrative autonomy**

The Philippines is a republic, which elects its President and Vice-President every six years. Senators are elected every six years and may serve no more than two consecutive terms. Congressmen are elected for three years and may serve no more than three consecutive terms. Elected government officials in provinces, cities and municipalities are also elected every three years and may not serve for more than three terms. In the House of Representatives and the local legislative councils, there are provisions for sectoral representation for women, for workers and for such other sectors, including but not limited to the urban poor, indigenous cultural communities, disabled persons and the elderly. Members of the national and local bureaucracies are appointed under rules and regulations promulgated by the Civil Service Commission. Except for those positions which are classified as primarily confidential, highly technical or policy-determining, bureaucrats enjoy security of tenure and may not be dismissed without cause.

## **1.2- TRENDS AND DEVELOPMENTS IN PROGRESS**

Reform efforts are ongoing in the area of right-sizing government and reengineering both local and national offices, in response to public perception that government needs to be more efficient and must redeploy its people to frontline services while thinning out the traditionally people-heavy central offices. A Presidential Committee on Effective Governance oversees this process. Practically all Presidents undertake reorganizations upon their assumption, but current efforts are focussed on minimizing overlapping or duplicating structures, ensuring optimization of human resources and the abolition of offices whose functions have been rendered marginal over time.

## **II- THE LEGAL DIMENSION OF PUBLIC ADMINISTRATION**

### **2.1- CURRENT LEGAL BASIS**

#### **2.1.2- Main strong and weak points**

The strength of the Philippine administrative system is its **plethora of laws, rules and regulations** on every imaginable area of administration. This may also be its greatest source of weakness. **Over-regulation**, in many parts, provides opportunities for so-called fixers, people who facilitate transactions for a fee, to ply their trade in government offices. One-stop shop arrangements have been set up in critical areas like investments and importations but the pernicious practices of fixers continue.

#### **2.1.2- “Public bidding” practices and procedures**

An entire chapter of the administrative code is devoted to contracts and public bidding. There is a manual prepared by the National Economic Development Authority on the hiring of consultants for foreign-assisted projects alone. There is another issuance by the Department of Budget and Management pertaining to the hiring of local consultants. The Commission on Audit also has its own rules relative to bidding, hiring and contracting. While it is possible to synchronize these rules, they are separately issued and require different submissions to these various government agencies. Even the utilization of the budget requires separate and different reports to various authorities, necessitating additional personnel for this purpose. There are continuing calls for deregulation, but this process is largely left to the discretion of the operating managers and there is little incentive for undertaking a really thorough review of regulations that may already be irrelevant, outdated or unnecessary. Insofar as international competitive bidding is concerned, this is usually done only for foreign-assisted projects or for big-ticket items like airplanes or tanks, for which there are no local agents available.

#### **2.1.3- Legal system protecting the citizens against the decisions of public authorities**

There are plenty of **administrative tribunals** as well as regular courts where citizens can dispute decisions of public administration authorities. As an example, a dispute relative to the claims of a worker for money related to his employment would theoretically have 14 doors available for possible resolution.

An **ombudsman system** exists which is provided for in the national Constitution. There is a Public Attorney's Office for litigants who feel that they cannot afford private counsel. There is a Commission for Human Rights that looks into possible violations of rights of citizens. Many of these offices can look at problems, *motu proprio* or on their own initiative. Quite often, however, there are enough cases on file to keep the dispute resolution bodies occupied. The complaint often is that the wheels of justice, whether administrative or legal, grind exceedingly slowly.

## **2.2- CHANGES EXPECTED IN THE NEAR FUTURE**

There are ongoing reform efforts in the Judiciary, the Commission on Audit and the other administrative bodies that pass upon complaints, either by the public or by people within the bureaucracy itself.

## **III- CIVIL SERVICE**

### **3.1- CURRENT SITUATION**

#### **3.1.1- Recruitment and career**

The civil service forms part of a constitutional mandate premised on merit and fitness.

- **Ways of entering/competitive examinations:** The Civil Service Commission used to sit more than 500,000 people annually for its professional and subprofessional examinations. It still undertakes regularly scheduled examinations but is also able to conduct these on demand through a computer-assisted test system that allows for immediate results. Applicants for positions for which skills, rather than the usual paper and pencil examination, are needed, have to take trade tests with the Technical Education and Skills Development Authority. After one passes the examination, one applies at his or her preferred office where additional requirements may be imposed by the hiring office. The final decision to hire belongs to the office even as the Civil Service Commission may disapprove an appointment for not complying with the rules, regulations or standards.

- **Duration of tenure**: Tenure is usually up to age 65 unless one is separated for cause earlier. However, there are certain officials and employees who, because of the nature of their jobs have tenure that is coterminous with the appointing authority. Drivers and private secretaries (primarily confidential positions) of political appointees (policy-determining) and those who are in very specialized fields (highly technical), like nuclear scientists, are not required to go through the competitive examination system. They are expected to meet the education requirements, however. Another distinct category of employees are those who are in casual or contractual positions. By definition, they are not tenured and are allowed to work seasonally or for the duration of a particular project.

- **Categories**: There are three levels of positions in the civil service. The first level consists of those who are in the *manual, clerical, custodial or trades and crafts groups*. They roughly correspond to salary grades 1-10. The second level includes the *technical and professional group* or those who have finished college degrees with certain specializations. They form the salary band between salary grades 11-24. The third group, *the executive class*, forms the government's managerial corps and occupies salary grades 25-33. Salary grade 33 belongs to the President while salary grade 1 is assigned to a laborer.

- **System of promotion**: The system of promotion requires progressively higher qualifications. In the past, seniority was a major factor, but increasingly performance is being given more weight, thus allowing for what is known as "deep selection " or the movement of people, not necessarily next in rank, but who may have shown better performance. A lateral system of entrance is allowed even for higher positions, particularly for second level positions where the pool for selection is the entire bureaucracy. The choice for first level promotions usually revolves only among personnel of a particular office. Career executive service officers are appointed to a

generic rank and may be assigned anywhere in government for as long as there is no diminution of rank or pay.

### **3.1.2- Training and human resources policy**

The government has active human resource development programmes that include subsidized degree programmes for people who pass competitive examinations, continuing training for more specialized needs like computer literacy, value formation, service orientation and similar subjects. Employees also have access to counselling, job enrichment, cross-posting and other HRD interventions that allow them to gain additional skills.

### **3.1.3- Social Security**

There is a Government Service Insurance System, which is a contributory fund towards retirement and pension payments. This is separate from the Social Security System, which takes care of private sector employees. In 1994, a law was passed that allowed the portability of social security benefits even if one went from the public to the private sector and vice-versa.

### **3.1.4- Retirement and pensions**

Retirement entitlements are variable, there being a number of retirement laws applicable to different sets of employees. Reforms are underway to ensure parity in the future for all public personnel. In the meantime, government employees, on the average, get pensions of up to 20% (or a maximum of P 12,000/\$300) of their highest monthly salary received while employed. This, however, requires at least 20 years of service.

## **3.2- BASIC STATISTICS RELATIVE TO THE CIVIL SERVICE**

Other statistics on Philippine government employees are found in the tables that follow this write-up.

Presently, the **ratio** of government employees to the population is 1:60. While this does not seem bloated in comparison to other countries in the region, the general feeling is that there are too many employees in the central offices and not enough in the local areas where services need to be delivered.

### **3.3- CURRENT REFORMS**

**Reengineering** in this direction forms part of the reforms being undertaken by the present government.

## **IV- CIVIL SOCIETY CONFRONTING PUBLIC ADMINISTRATION**

### **4.1- CURRENT SITUATION**

#### **4.1.1- Public opinion polls**

Public opinion polls are published every quarter which, among other things, measure public satisfaction or approval of government policies and government officials. These usually influence the conduct and direction of government plans and programmes. While there is differential perception of public officials, there is a general sense of disaffection for the bureaucracy in general because of the long-held views about red tape, graft and corruption.

#### **4.1.2- Place and role of non-governmental organizations (NGOs)**

Non-governmental organizations form part of the Philippine governance tradition. Initially, they were mainly charitable institutions connected with the church to help the poor and underprivileged. Eventually there arose groups dedicated to political purposes and espousing specific ideologies. But it was only after the People Power Revolution in 1986 that a flowering of NGOs really came about. At that time, NGOs numbered more than 100,000. NGOs in the Philippines are mainly advocacy groups and revolve around very specific issues such as women, children, the disabled, human rights, education and training for the unskilled etc. They are acknowledged in both the

Constitution (*“Role and Rights of People’s Organizations”*) and in subsequent laws that provide for sectoral representation in legislative councils or policy-making bodies

#### **4.1.5- System for improving the citizens participation in policy-making**

As to human rights, these are again enshrined in the Constitution, which in 1986, for the first time in Philippine history, provided for an **independent Commission on Human Rights** which may investigate, on its own or on complaint by any party, all forms of human rights violations. As a new system, it suffers from the transitional problems of all pioneering organizations: the absence of a clear model to work from and the need to orient and educate the populace about human rights.

#### **4.2- PROJECTS OF REFORM EXPECTED IN THE NEAR FUTURE**

Insofar as legal reforms are concerned, there is an on-going debate about **repealing the death penalty** for prisoners who committed heinous crimes and a **review of certain police practices and policies** insofar as treatment of rape victims and drug users and pushers are concerned. There are also **negotiations for the release of political prisoners**, mainly those who are engaged in a war of rebellion or secession.

### **V- ETHICS AND THE PUBLIC SERVICE**

#### **5.1- LEGAL BASIS**

The **Constitution** provides a basis for laws regarding the behavior of public officers. Article 11 of the Philippine Constitution has 18 sections devoted to the accountability of public officers. At the same time, there is a **Code of Conduct and Ethical Standards for Public Officials and Employees** (Republic Act 6713) and an **Anti-Graft and Corrupt Practices Act** (Republic Act 3019).

#### **5.2- REPUTATION OF THE CIVIL SERVICE WITH REGARD TO HONESTY**



Public opinion generally regards bureaucrats as not honest, not transparent and not neutral. This is, however, a universal phenomenon, as is indicated in most books of public administration.

### **5.3- LEGAL GUARANTEES OF THE CIVIL SERVANTS “ NEUTRAL ROLE ”**

The civil service as a whole may be considered as neutral with regard to changes in government. This does not stop politicians, however, particularly at the local level, from trying to purge the bureaucracy of perceived political enemies after every election. There is also a provision in the existing laws against electioneering or favouring one candidate and using office time and facilities to boost a particular candidate. As a general rule, the bureaucracy does not resist changes in government.

### **5.4- ADMINISTRATIVE SYSTEM OF ACCOUNTABILITY AND CONTROL**

An administrative system of control and accountability exists. This is inherent in every office where the appointing authority also becomes the disciplining authority according to a system of offenses and penalties issued by the **Civil Service Commission**. At the same time, there is a **resident ombudsman** in every office as well as a national ombudsman to whom cases of administrative discipline may also be referred. The Civil Service Commission and the Ombudsman enjoy concurrent **administrative jurisdiction** over government officials and employees. Findings of the Ombudsman may move to the Sandigan-Bayan where penal sanctions, in addition to the usual administrative sanctions, may be applied to erring employees.

## **VI- MANAGEMENT AND GOOD GOVERNANCE**

### **6.1- IMPORTANCE OF THE USE OF MANAGEMENT INFORMATION TECHNIQUES IN PUBLIC ADMINISTRATION**

Most government offices are computerized, but IT is not yet fully integrated into most office operations. Some databases do exist, but interconnection between and among

government offices has not yet materialized to facilitate services and transactions. Most offices have Internet connections but are not covered by internal local area networks or wide area networks. Consequently, data collection and analysis still require manual manipulation. There is wide usage of IT for programme presentations.

## **6.2- INTRODUCTION OF MARKET-ORIENTED PROCEDURES**

A system of contracting-out has been in place for a long time. Among other things, janitorial services, security services, garbage collection and high-level technical work are contracted out. Public works construction, such as roads and bridges, are also contracted out. However, contracting out, particularly in public works, has been singled out as a major source of graft and corruption and sub-standard public facilities. Value for money is not ingrained as a decision-making criterion.

## **6.3- EXISTING PROJECTS FOR THE NEAR FUTURE**

There is a **Presidential Commission on Effective Governance** which is looking into these issues and parallel reforms needed to optimize resource use, both human and material.

# **VII- SENSITIVE BRANCHES OF PUBLIC ADMINISTRATION**

## **7.1- HIGHER EDUCATION**

### **7.1.1- Public Administration responsibilities**

Higher Education used to be part of the Department of Education until 1994 when a **Commission for Higher Education (CHED)** was created as part of a wide-ranging programme of reforms under the educational sector. CHED promulgates policies and implements this through a national network of regional offices.

CHED regulates both public and private higher education in the Philippines. A system of subsidies for excellent schools has been established and schools which have consistently shown poor performance in their passing rates in licensure exams and

similar indicators are ordered closed. Tuition fees, which used to be regulated, are now subject to upper limits and a system of consultation with the affected constituencies.

#### **7.1.2- Existing special bodies**

Special private bodies exist that reinforce the work of CHED. There are accreditation centers for private schools, a Fund for Assistance to Private Education, a pension fund for private school teachers, association of Catholic schools and consortium arrangements to optimize curricular offerings.

Thus far, CHED seems to be successful in its efforts to reform the country's higher education sector.

### **7.2- ENVIRONMENT**

#### **7.2.1- Public administration responsibilities**

In the last fifteen years, environmental issues have become a major focus of government and have generated a significant amount of public awareness. This comes as a result of major public disasters that have been traced to environmental degradation. Today, government issues environmental compliance certificates before any major project can be started. Even the cutting of a tree requires government permission. Despite all these, illegal logging continues unabated and certain forms of fishing found detrimental to marine life continue. This is often attributed to lack of funds and the lack of manpower to monitor activities in far-flung areas. Critics, however, attribute this to lack of political will.

#### **7.2.2- Existing special bodies**

There are a number of NGOs devoted to environmental issues. They either work with or operate as a watchdog to the official acts of the **Department of Environment and Natural Resources**, which initiates, promulgates and implements laws and policies in the area of the environment.

### **7.3- SOCIAL POLICIES**

### **7.3.1- Public administrative responsibilities**

Social policies are coordinated by the **National Economic and Development Authority**, even though this area covers the operational concerns of a number of departments, such as the Department of Labor and Employment, the Department of Social Welfare and Development, the Department of Health and the Department of Education. Essentially, these units deliver programmes that enhance employability, incomes and livelihood concerns, particularly for those who are least able to fend for themselves.

### **7.3.2- Existing special bodies**

Special public and private agencies exist that support or check the activities of these agencies. In government, there are the Philippine Overseas Employment Administration, the Overseas Workers Welfare Administration, the Provincial Employment Service Offices and the Technical Education and Skills Development Authority. Outside of government, there are the labor unions and various people's organizations, the representatives of which sometimes sit in the boards of specialized agencies to represent their particular interests.

The results in this area are generally seen as successful.

## **7.4- OTHER SENSITIVE SECTORS**

Also seen as sensitive are the judiciary, the police and the economic sectors.

### **7.4.1- Judiciary and police sectors**

The Judiciary is generally seen as slow in the dispensation of justice, a function really of the legal maneuverings that are available in a system patterned after American jurisprudence practices. The police, on the other hand, are perceived as corrupt and are seen as sometimes being in cahoots with criminals themselves. A change in the leadership of both sectors has stirred public hope that reforms will be undertaken and thus far, the public has approved of the reforms instituted by the new leadership if the survey results of the last quarter of 1999 are any indication.

### **7.4.2- The economic sector**

The economy is critical because the country has yet to fully recover from the Asian fiscal downturn that began in 1997. As a result, economic activity is slow and the manufacturing and agricultural sectors have contracted, with only services showing a positive growth.

## **VIII- GLOBALIZATION**

### **8.1- ADAPTATION OF THE NATIONAL PUBLIC ADMINISTRATION TO THE NEEDS OF ECONOMIC GLOBALIZATION**

While globalization is considered a major concern, the adaptation of the national public administration is not being done comprehensively. The Presidential Commission on Effective Governance presumably has globalization as one of its major premises, but a comprehensive national plan has yet to emerge.

### **8.2- COMPREHENSIVE AND FINALIZED PROGRAMME TO ENSURE ADAPTATION TO GLOBALIZATION**

A **reengineering of government structures** is envisioned, and some government agencies have in fact started the process. An **ombudsman** for investments was recently appointed. **Privatization** of government services has been announced for the year 2000 with 11 government corporations targeted for conversion. But, as was stated earlier, this does not partake of a comprehensive national plan.

## **IX- THE MOST IMPORTANT CHALLENGE OF PUBLIC ADMINISTRATION IN THE PHILIPPINES**

The most important challenge of public administration is the **lack of credibility of government structures and officials** which renders the implementation of projects difficult, as the initial reaction of the public is usually cynicism or scepticism. Much can be done within existing public resources, but it seems that much time and effort are lost

because there is lack of faith on the part of the public and a general tendency to explain after the fact. Social marketing is probably a major requirement here.